

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FRED, JONATHAN, JOSHUA,
JASON QUIMBY, RHONDA McSHAN,

Plaintiffs,

CV 05-202-AS

v.

ORDER

ASA JAMES VALLANCE, JR., and JENNIE
ANN VALLANCE, JR.,

Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas issued a Findings and Recommendation in this action (Doc. #18), in which the Magistrate Judge recommended that defendants' Motion to Dismiss (Doc. #3) should be granted, the Complaint dismissed, and the Motion to Strike denied as moot. The Magistrate Judge further recommended that the dismissal should be with prejudice and that final judgment should be entered. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts Magistrate Judge Ashmanskas' Findings and Recommendation.

CONCLUSION

The Magistrate's Findings and Recommendation (Doc. #18) is adopted in its entirety. Defendants' Motion to Dismiss (Doc. #3) is GRANTED and all other motions are denied as moot. This action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated this 16 day of August, 2005.

/s/Garr M. King for
ANCER L. HAGGERTY
United States District Judge